

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

KONDAUR CAPITAL CORPORATION,

Plaintiff,

v.

EARL ANDREWSON, et al.,

Defendants.

Case No. 10cv2419 BTM(BGS)

ORDER REMANDING CASE

On November 23, 2010, defendant Earl Andrewson ("Defendant") removed this unlawful detainer action from state court. As far as the Court can tell, Defendant believes that federal question jurisdiction exists because Defendant allegedly was the victim of a predatory loan that violated federal statutes and regulations. For the reasons discussed below, the Court remands this case to state court.

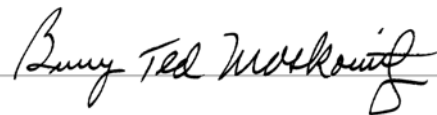
The unlawful detainer action filed against Defendant arises under state law and does not require resolution of a substantial question of federal law. See U.S. Bank Nat'l Ass'n v. Lasoff, 2010 WL 669239 (C.D. Cal. Feb. 23, 2010) (holding that unlawful detainer action did not raise a federal question); HSBC Bank USA, NA v. Valencia, 2010 WL 546721 (E.D. Cal. Feb. 10, 2010) (remanding unlawful detainer action); Wells Fargo Bank, Nat'l Ass'n v. Cencil, 2010 WL 2179778 (N.D. Cal. May 27, 2010) (granting motion to remand unlawful detainer action). Any federal defenses or counterclaims Defendant may wish to bring do not give rise to federal question jurisdiction. Franchise Tax Bd. v. Constr. Laborers Vacation

1 Trust, 463 U.S. 1, 14 (1983) (explaining that a case may not be removed to federal court on
2 the basis of a federal defense).

3 The removing defendant always has the burden of establishing that removal is proper,
4 and the court resolves all ambiguity in favor of remand to state court. Gaus v. Miles, Inc.,
5 980 F.2d 564, 566 (9th Cir. 1992). Defendant has not satisfied his burden. Therefore, the
6 Court **REMANDS** this action to the Superior Court of California, County of San Diego,
7 Central Division.

8 **IT IS SO ORDERED.**

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10 DATED: November 29, 2010

11 
12 Honorable Barry Ted Moskowitz
13 United States District Judge
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